

AD-A180 351



DTIC
ELECTE
MAY 21 1987
S D

AIR COMMAND AND STAFF COLLEGE

STUDENT REPORT

MORAL OBLIGATIONS FROM
OUR OATH TO THE US CONSTITUTION

MAJOR LARRY A. HELGESON 87-1155
"insights into tomorrow"

DISTRIBUTION STATEMENT A

Approved for public release
Distribution Unlimited

87 5 19 063

DISCLAIMER

The views and conclusions expressed in this document are those of the author. They are not intended and should not be thought to represent official ideas, attitudes, or policies of any agency of the United States Government. The author has not had special access to official information or ideas and has employed only open-source material available to any writer on this subject.

This document is the property of the United States Government. It is available for distribution to the general public. A loan copy of the document may be obtained from the Air University Interlibrary Loan Service (AUL/LDEX, Maxwell AFB, Alabama, 36112) or the Defense Technical Information Center. Request must include the author's name and complete title of the study.

This document may be reproduced for use in other research reports or educational pursuits contingent upon the following stipulations:

-- Reproduction rights do not extend to any copyrighted material that may be contained in the research report.

-- All reproduced copies must contain the following credit line: "Reprinted by permission of the Air Command and Staff College."

-- All reproduced copies must contain the name(s) of the report's author(s).

-- If format modification is necessary to better serve the user's needs, adjustments may be made to this report--this authorization does not extend to copyrighted information or material. The following statement must accompany the modified document: "Adapted from Air Command and Staff Research Report _____ (number) _____ (title) by _____ (author) _____."

-- This notice must be included with any reproduced or adapted portions of this document.

UNCLASSIFIED

SECURITY CLASSIFICATION OF THIS PAGE

AD-4180 331

REPORT DOCUMENTATION PAGE

1a. REPORT SECURITY CLASSIFICATION UNCLASSIFIED			1b. RESTRICTIVE MARKINGS	
2a. SECURITY CLASSIFICATION AUTHORITY			3. DISTRIBUTION/AVAILABILITY OF REPORT STATEMENT "A" Approved for public release; Distribution is unlimited.	
2b. DECLASSIFICATION/DOWNGRADING SCHEDULE				
4. PERFORMING ORGANIZATION REPORT NUMBER(S) 87-1155			5. MONITORING ORGANIZATION REPORT NUMBER(S)	
6a. NAME OF PERFORMING ORGANIZATION ACSC/EDCC		6b. OFFICE SYMBOL (If applicable)	7a. NAME OF MONITORING ORGANIZATION	
6c. ADDRESS (City, State and ZIP Code) Maxwell AFB AL 36112-5542			7b. ADDRESS (City, State and ZIP Code)	
8a. NAME OF FUNDING/SPONSORING ORGANIZATION		8b. OFFICE SYMBOL (If applicable)	9. PROCUREMENT INSTRUMENT IDENTIFICATION NUMBER	
8c. ADDRESS (City, State and ZIP Code)			10. SOURCE OF FUNDING NOS.	
			PROGRA ¹ ELEMENT NO.	PROJECT NO.
11. TITLE (Include Security Classification) MORAL OBLIGATIONS FROM OUR OATH TO THE				
12. PERSONAL AUTHOR(S) Helgeson, Larry A., Major, USAF				
13a. TYPE OF REPORT	13b. TIME COVERED FROM _____ TO _____	14. DATE OF REPORT (Yr., Mo., Day) 1987 April		15. PAGE COUNT 27
16. SUPPLEMENTARY NOTATION ITEM 11: U.S. CONSTITUTION				
17. COSATI CODES			18. SUBJECT TERMS (Continue on reverse if necessary and identify by block number)	
FIELD	GROUP	SUB. GR.		
19. ABSTRACT (Continue on reverse if necessary and identify by block number) Every officer in the military takes an oath of office upon entry into the service. Under that oath the officer has some moral obligations. This article examines these obligations in relation to the Constitution of the United States. The article looks back two hundred years at the military influence in the origins of the Constitution. Then based on these origins and the actual wording in the Constitution the article presents the moral obligations that the military officer has incurred from the oath of office. The article does not cover the legal obligations to the Constitution, which are given in the UCMJ.				
20. DISTRIBUTION/AVAILABILITY OF ABSTRACT UNCLASSIFIED/UNLIMITED <input type="checkbox"/> SAME AS RPT. <input checked="" type="checkbox"/> DTIC USERS <input type="checkbox"/>			21. ABSTRACT SECURITY CLASSIFICATION UNCLASSIFIED	
22a. NAME OF RESPONSIBLE INDIVIDUAL ACSC/EDCC Maxwell AFB AL 36112-5542			22b. TELEPHONE NUMBER (Include Area Code) (205) 293-2483	22c. OFFICE SYMBOL



REPORT NUMBER 87-1155

TITLE MORAL OBLIGATIONS FROM OUR OATH OF OFFICE TO THE US
CONSTITUTION

AUTHOR(S) MAJOR LARRY A. HELGESON, USAF

FACULTY ADVISOR LT COL MEREDITH A. MORRISON,
ACSC/EDX

SPONSOR MAJOR CHARLES HUDLIN, USAFA/DFPFA

Submitted to the faculty in partial fulfillment of
requirements for graduation.

AIR COMMAND AND STAFF COLLEGE
AIR UNIVERSITY
MAXWELL AFB, AL 36112

PREFACE

As we begin our third century of government under our Constitution, it is very appropriate to review our moral obligations from our oath of office. Every officer in the military takes an oath of office upon entry into the service. Recently, several USAF commands have begun requiring a restatement of the oath upon each new promotion. Our military is facing new challenges as we develop new policies and doctrine on operations in space and involvement in low intensity conflict around the world. A revitalized commitment to our basic values can help us meet these challenges.

This article examines the moral obligations from our oath to the Constitution. The article looks back at the military influence in the origins of the Constitution. Then based on these origins and the actual wording in the Constitution the article presents moral obligations that the military member has incurred from the oath of office. Contrary to the standard ACSC format the article is written in the first person.

I wish to thank Lt Col Butch Morrison and Major Charles Hudlin for their advice and insights during our numerous discussions on this topic. Subject to clearance, this manuscript will be submitted to the USAFA Journal of Professional Military Ethics for consideration for publication.



Accession For	
NTIS CRA&I	<input checked="" type="checkbox"/>
DTIC TAB	<input type="checkbox"/>
Unannounced	<input type="checkbox"/>
Justification	
By	
Distribution/	
Availability Codes	
Dist	Avail and/or Special
A-1	

ABOUT THE AUTHOR

Major Larry A. Helgeson (B.S., USAF Academy; M.S., Georgia Institute of Technology) is currently attending Air Command and Staff College at Maxwell AFB, AL. From 1980 - 1983 he instructed cadets in the Department of Aeronautical Engineering at the USAF Academy. While at the Academy, he spent over three years as the Assistant Air Officer Commanding of a Cadet Squadron. In 1983, the US Junior Chamber of Commerce selected him as one of the Outstanding Young Men of America. His most recent assignment was as the Operations Officer of the HH-3E Combat Rescue Detachment in Iceland.

MORAL OBLIGATIONS FROM OUR OATH TO THE US CONSTITUTION

Several commands in the Air Force have started requiring their military personnel to renew their oath of office upon promotion to each new rank. This trend is very worthwhile because it offers everyone the opportunity to reflect periodically on the obligations incurred from the oath. The periodic examination of these moral obligations under the military oath is a necessary and rewarding experience. But, like many things, this procedure can turn into a ceremonial ritual where the words are simply repeated with little thought. The responsibility for putting the meaning to these words lies with both the people giving and taking the oath. The purpose of this article is to help others like me who want to reinforce their understanding of what their moral obligations are under the oath. I have found no simple answers, but by examining the origins of the Constitution and its history I have a much better understanding of what I swore "to support and defend." As we begin our third century of living under our constitutional system, the time is right to do an in depth review of our oath and its foundation, our Constitution.

THE MILITARY OATH

The USAF Officer's Oath

I (FULL NAME) HAVING BEEN APPOINTED A (RANK) IN THE UNITED STATES AIR FORCE, DO SOLEMNLY SWEAR THAT I WILL SUPPORT AND DEFEND THE CONSTITUTION OF THE UNITED STATES AGAINST ALL ENEMIES, FOREIGN AND DOMESTIC, THAT I WILL BEAR TRUE FAITH AND ALLEGIANCE TO THE SAME; THAT I TAKE THIS OBLIGATION FREELY, WITHOUT PURPOSE OF EVASION; AND THAT I WILL WELL AND FAITHFULLY DISCHARGE THE DUTIES OF THE OFFICE UPON WHICH I AM ABOUT TO ENTER, SO HELP ME GOD.(19:4)

Our oath simply and completely binds us to the Constitution of the United States. Our sworn allegiance is to the Constitution, not directly to the people, a leader, a governing body, the land, or any specific ideals. It is interesting to contrast this with the Soviet Military Oath.

The Soviet Military Oath

I, CITIZEN OF THE UNION OF SOVIET SOCIALIST REPUBLICS, JOINING THE RANKS OF THE ARMED FORCES, TAKE THIS OATH AND SOLEMNLY PLEDGE TO BE A CONSCIENTIOUS, BRAVE, DISCIPLINED AND VIGILANT WARRIOR, STRICTLY TO OBSERVE MILITARY AND STATE SECRETS, TO OBSERVE THE CONSTITUTION OF THE USSR AND SOVIET LAWS, UNQUESTIONINGLY TO CARRY OUT THE REQUIREMENTS OF ALL MILITARY REGULATIONS AND ORDERS OF COMMANDERS AND SUPERIORS.

I PLEDGE CONSCIENTIOUSLY TO STUDY MILITARY SCIENCE, TO PRESERVE IN EVERY WAY MILITARY AND PUBLIC PROPERTY AND TO REMAIN DEVOTED TILL MY LAST BREATH TO MY PEOPLE, MY SOVIET HOMELAND, AND THE SOVIET GOVERNMENT.

I AM PREPARED AT ALL TIMES, ON ORDERS FROM THE SOVIET GOVERNMENT, TO COME OUT IN DEFENCE OF MY HOMELAND, THE UNION OF SOVIET SOCIALIST REPUBLICS. I PLEDGE TO DEFEND IT COURAGEOUSLY, SKILLFULLY, WITH DIGNITY AND HONOR, WITHOUT SPARING MY BLOOD AND LIFE IN SECURING COMPLETE VICTORY OVER THE ENEMIES.

IF I BREAK THIS SOLEMN VOW, MAY I BE SEVERELY PUNISHED BY THE SOVIET PEOPLE, UNIVERSALLY HATED, AND DESPISED BY THE WORKING PEOPLE.(15:71)

The Soviet pledges devotion to his people, his Soviet homeland, and the Soviet Government. Further, he pledges to defend his country without sparing his life, and at the same time, to follow traditional military ideals while observing the constitution. Agreeing to observe the constitution is almost lost in all the other obligations. The military oaths of other countries tend to follow a similiar trend. It is common for them to swear allegiance to defend their land, to support a king, or to live by military ideals. The United States military oath is unique in its simple, total and direct allegiance to the Constitution. However, the Constitution itself is not a simple, exact document, whose underlying ideals can be easily grasped. In addition, most of those ideals are not primarily based on classic military principles. Here lies the dilemma for the military officer who pledges allegiance to a constitutional system that often goes contrary to strict military standards. The soldier must give up many liberties and freedoms when he or she joins the military. Our open and free society is opposite the secrecy and surprise necessary for effective military strategy. The political struggles within our system oppose the military principle of unity of command. Samuel Huntington concludes his chapter on the Constitution in The Soldier and the State with, "lower standards of military professionalism are the continuing price the American people will have to pay for the other benefits of their constitutional system."(5:192) This

trade off becomes clearer by looking back at the origins to our Constitution.

THE ORIGINS OF THE CONSTITUTION

The work of the Constitutional Convention in the summer of 1787 was the culmination of almost a quarter of a century of intense effort to establish an effective and just government in America. It started in 1763 when the British, under King George III, started strictly enforcing laws and regulations which were oppressive to the colonists. Colonial leaders demanded their rights as British subjects and to have actual representation in the British Parliament. When these demands went unheeded, other colonists took more direct acts, such as the Boston Tea Party, to oppose the oppression. However, even as late as 1775, after the Continental Army had forced the British to evacuate Boston, the colonial leaders were still working towards a political solution. Most colonists still wanted to remain British subjects. Yet, a year later when the prospect of a political solution still looked remote, the Continental Congress sent out our Declaration of Independence which enumerated the rights of the people and the duties of the government.(6:45-61) These ideals became the foundations used by many of our new states to build their constitutions and governments. The United States, formed under the Articles of Confederation in 1777, struggled to become an effective and just government. After

ten years of effort, it was obvious this loose confederation of states wasn't working.(6:86) Finally, the Congress asked the states to send delegates to meet in Philadelphia in May 1787 "for the sole express purpose of revising the Articles of Confederation." (20:v) This meeting became the Constitutional Convention which framed our Constitution.

The delegates sent by the states to Philadelphia represented many divergent concerns and many were stubbornly independent. Even before the convention started George Washington observed,

It is probable that no plan we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If to please the people, we offer what we ourselves disapprove how can we afterwards defend our work? Let us raise a standard to which the wise and honest can repair. The event is in the hand of God.(11:13)

Indeed, the delegates were not a very harmonious group with some members leaving in disgust and others refusing to sign the final document. However, amidst the controversy and debates, a draft emerged that was signed by all but three of the 42 delegates still present.(11:233) But, even the signatures did not imply total support. James Madison's record of the convention noted this concluding remark prior to the signing of the document. "Mr. Ingersol did not consider the signing, either as a mere attestation of the fact, or as pledging the signers to support the Constitution at all events; but as a recommendation of what, all things considered, was the most eligible." (12:234) Amid this

discord and compromise, the Constitution took form.

However, even among the heated disputes the delegates were in agreement on many general principles, the role of the military being one of these. Several reasons accounted for this general consensus on the role of the military. First, the highly emotional issues at that time were focused more on the economical and political problems than on the military. Secondly, as far as the military role itself, twenty one of the delegates had first hand military experience from serving in the Revolutionary War.(11:4-5) In addition, George Washington was the president of the Convention. Even though his office prevented him from participating in the debates, the delegates must have felt his stabilizing influence from being the former Commander in Chief.(2:287) Finally, all the delegates were very familiar with such significant events as the Revolutionary War, the attempted coup d'etat by the Continental Army, and Shay's Rebellion in Massachusetts. Each of these actions influenced their common opinions on the role of the military.

The Revolutionary War cemented the delegates perceptions of the role of the two basic forms of military: the regular standing army and the militia. The eighteenth century standing army was an expensive, highly disciplined force. Its strength was based on precise movement into position and then applying a rapid volley of musket fire to break the enemy's ranks. It took two years of training for the

military man to meet the standards for rapid reloading and precise coordinated movement.(13:116) In contrast, the militia was a loosely disciplined group of men that could use weapons, but were no match for the British regulars in direct conflict. The militia, such as the Minutemen at Lexington, could quickly respond to an incident. However, when they were banded together to oppose the British regulars it took several small miracles to simply survive for the first three years of the war. It was only after rigorous training by Baron von Steuben on the discipline of a regular army that they were able to oppose the British army. It was evident that a thoroughly trained and disciplined regular army under a single commander would be required to oppose any foreign invasion. The militia, on the other hand, could be used by the states to counter any small threats. With the Revolution still fresh in their memories, the delegates recognized the need for a strong standing army under a single commander. But, they also saw a danger.

The Continental Army's attempted coup d'etat over the Congress in 1783 exposed the danger of a powerful military. The officers of the Continental Army felt powerful after defeating the British. They also thought Congress had betrayed them by not following through on its promises for wages and pensions. Disenchanted with the inept government, the officers conspired to overthrow Congress. They wanted George Washington to be their king, but they made it clear

that they would revolt with or without him.(2:169) If George Washington had joined their ranks, our government could easily have been a monarchy. As it was, Washington persuaded them to abandon their plans, but the attempted coup pointed out the strong temptation for misuse of military power to pursue personal ambitions or gains. The attempted coup reinforced the general belief held in America that a strong standing army, by its very nature, is a threat to liberty.

In contrast, Shay's Rebellion in 1786 and 1787 revealed the danger of not having a strong government. Shay's Rebellion consisted of 2,000-3,000 men in armed bands who, in protest to the high cost of government and court proceedings, prevented establishment of several interior county seats in Massachusetts. The federal government was ineffective in stopping them. The uprising was finally crushed by a volunteer army recruited out of Boston. The lessons of this rebellion were not lost on the government leaders. They realized that the American public did not possess enough virtue to support a pure republic with little central control. The noted scholar on the origins of the Constitution, Forrest McDonald, stated in his book, Novus Ordo Seclorum: The Intellectual Origins of the Constitution, that there were three options for the Americans at this time. First, they could give up on a republic and form a more authoritarian form of government like a monarchy as proposed by the attempted coup d'etat. Second, they could increase

the virtue of the public through education and example by the leaders. By increasing the virtue of the society, the existing confederation could work. Or third, establish a republican government based not only on virtue but on the realization that men will act in their own self-interest.(9:177-179) This third option became the basis for our constitutional system with its checks and balances.

With these experiences the delegates had three areas of common ground to frame the role and structure of the military in the Constitution. First, that a regular standing army under a single commander was necessary to be effective in war; second, that a large standing army was too powerful and dangerous a force to be put in the control of a single person; and third, Americans in general cannot be counted on to act virtuously, and therefore a strong government with a system of checks and balance is required.

THE CONSTITUTION

The Constitutional Convention recognized the importance of common defense of the states from the beginning and incorporated it with the ideals from the Declaration of Independence into the Preamble to the Constitution.

WE THE PEOPLE OF THE UNITED STATES, IN ORDER TO
FORM A MORE PERFECT UNION, ESTABLISH JUSTICE,
INSURE DOMESTIC TRANQUILITY, PROVIDE FOR THE COMMON
DEFENSE, PROMOTE THE GENERAL WELFARE, AND SECURE
THE BLESSINGS OF LIBERTY TO OURSELVES AND OUR
POSTERITY, DO ORDAIN AND ESTABLISH THIS
CONSTITUTION FOR THE UNITED STATES OF
AMERICA.(20:1)

But, the delegates faced a dilemma between providing "for the common defense" and securing "the blessings of liberty." In order to provide for the common defense a standing army would be required; however, the existence of a standing army was seen as a threat to liberty. As they had witnessed under King George III, the power of a standing army could easily be used to unjustly oppress the people taking away their liberties. The delegates faced this dilemma as they established the military role in the Constitution.

The delegates divided up the control of military power between the Congress and the President within the Constitution.

Article I, Section 8 states:

THE CONGRESS SHALL HAVE POWER...TO DEFINE AND PUNISH PIRACIES AND FELONIES COMMITTED ON THE HIGH SEAS, AND OFFENSES AGAINST THE LAW OF NATIONS; TO DECLARE WAR, GRANT LETTERS OF MARQUE AND REPRISAL, AND MAKE RULES CONCERNING CAPTURES ON LAND AND WATER; TO RAISE AND SUPPORT ARMIES, BUT NO APPROPRIATIONS OF MONEY TO THAT USE SHALL BE FOR A LONGER TERM THAN TWO YEARS; TO PROVIDE AND MAINTAIN A NAVY; TO MAKE RULES FOR THE GOVERNMENT AND REGULATION OF THE LAND AND NAVAL FORCES;...(20:3,4)

Article II, Section 2 states:

THE PRESIDENT SHALL BE COMMANDER IN CHIEF OF THE ARMY AND NAVY OF THE UNITED STATES,...(20:6)

All expressed power over the military is given to Congress while the President is given the position of direct authority as Commander in Chief. While on the surface the dividing lines may seem very clear, the President and Congress have

overlapping powers. Throughout history the control of the military has fluctuated between the President and Congress depending on their relative political power. While not directly given any expressed power over the military, the President has used his position as the Commander in Chief to assume all the power that Congress will allow him.(10:49) This leaves the military system caught in the middle of a perpetual political battle. At the center of this struggle is the phrasing of the Congress' power to "declare" war.

In the proposed draft presented on 17 August 1787, Congress was given the power to "make" war, but many thought they would be too slow to respond to an invasion. Therefore, James Madison moved "to insert 'declare' striking out 'make' war; leaving to the Executive the power to repel sudden attacks."(14:31) The motion passed and ever since there has been continual debate over the issue. The War Powers Resolution of 1973 was designed to end this debate and give specific responsibilities to both the President and Congress when committing military forces to hostilities.(1:1-2) However, President Nixon said that the Resolution was unconstitutional,(4:7) leaving the opening for future political battles with the military still in the crossfire.

During the ratification process for the new Constitution in 1787 and 1788, the debates between the Federalists and Antifederalists point out again the concern over having a standing army. An Antifederalist, Samuel Bryan, published

his letter in "The Independent Gazetter" deploring the power of the federal government to have a "STANDING ARMY IN TIME OF PEACE, that grand engine of oppression."(7:8) Alexander Hamilton, a Federalist, responded to the attacks with: "To the powers proposed to be conferred to the federal government in respect to the creation and direction of national forces, I have met with but one objection; which is that proper provision has not been made against the existence of standing armies in time of peace."(3:115) He went on to point out the limits that had been put on a standing army in the Constitution. First, that the power to raise and govern the army was vested in the Congress which consisted of two separate houses of large bodies representing the people. Second, he pointed out that by limiting the appropriation of money to two years it would prevent the government from raising a large force against the will of the people. With representatives being elected every two years, the people could simply elect different representatives to stop any unwanted build up of forces.(3:115-119) Hamilton in another letter pointed out,

To judge from the history of mankind, we shall be compelled to conclude, that the fiery and destructive passions of war, reign in the human breast with much more powerful sway, than the mild and beneficent sentiments of peace; and that to model our political systems upon speculations of lasting tranquility, would be to calculate on the weaker springs of the human character.(3:161)

The Constitution, while recognizing this need to provide for a standing force, put constraints on that force's potential

power.

In addition, Antifederalists insisted that the Constitution must contain a bill of rights for the individual. The promise to amend the Constitution with these rights was required to secure ratification in several states.(6:110) Again we see the concern of oppression by an armed federal force in the second and third articles of the Bill of Rights.

Article II. A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Article III. No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.(20:10)

Under the second article, the government must recognize the right of the people to bear arms. If the government were to raise an army to oppress the people, an armed population could oppose it. Under the third article, the armed force must not use its power to gain lodging in private quarters. While these may seem almost irrelevant today, at the time many people thought it would be necessary to list some very specific, positive rules to insure their liberty wasn't threatened by the military.

I find the Constitution, that I have sworn allegiance to, is not the firm and solid foundation that I once thought it was. Parts of it are very specific, while other parts give only general undefined powers. In practice, rather than

spelling out very distinct and separate powers, it gives overlapping powers to the Congress and the President. This is in conflict with the military principle requiring unity of command. In peacetime the military is often trapped in a political battle, rather than effectively focused on the defense of our country. In addition, the document that has my sworn allegiance generates a bureaucratic system with checks and balances that often constrains the military, keeping it from being the most efficient force possible. These constraints can very often be frustrating to an officer trying to do his or her best job.

MORAL OBLIGATIONS

As we begin our third century of government under our Constitution we need to revitalize our commitment to the moral obligations incurred from our oath of office. Some may think a strong feeling of patriotism is all that is needed from the swearing in ceremony. But, is patriotism enough? Does it take more than patriotism to be effective in our military today? Our military forces are facing new challenges across the spectrum, from involvement in low intensity conflict all over the world to operating in space. To effectively meet these challenges we need to go beyond simply developing our weapons technology and the technical expertise of the operator. We must inspire the highest moral character of the officer who will employ those weapons. In

1984, a cheating incident at the USAF Academy revealed that the new cadets could not be reasonably expected to completely internalize the Cadet Honor Code by the end of their first summer. Similarly, with today's society, it would be foolish to assume all officers have completely internalized the basic values this country was built on and now stands for. Our commitment to these values needs to be continually renewed. In his 1987 State of the Union address, President Reagan stated, "Finally, let's stop suppressing the spiritual core of our national being." (21:--) By bringing out and examining the moral obligations from our oath we can help revitalize the spiritual core of our military, preparing us to meet the new challenges.

Respecting the human rights of others forms the cornerstone of the moral obligations our oath of office places on us. Our whole constitutional system is based on the belief, as stated in the Declaration of Independence, "that [humans] are endowed by their Creator with certain unalienable Rights, among these are Life, Liberty, and the pursuit of Happiness." (18:--) The Founding Fathers of our Constitution recognized the potential threat a powerful military would be to these rights. Therefore, they created constraints to keep the military under the control of the people. We must recognize that those constraints are necessary even if they make us less effective. We must be willing to accept some lower standards of military

performance, if it is the price we must pay to guarantee human rights in the future.

We need to recognize that all humans have these rights, not just Americans. Our obligation is to go beyond simple patriotism to a much broader ideal, basic human rights for everyone. Understanding and following this obligation is extremely critical in low intensity conflict around the world today. Too often the temptation may be to fight the enemy with pure power and violence with little concern for our ideals. A victory under these conditions would be very hollow, without the adequate foundation upon which to build the following peace. If the side we are supporting fights with little concern for human rights, winning may simply replace one oppressive government with another. This victory may actually be harmful to our country in the long term. We need to be very selective on who we support. All operations must be conducted with the ultimate objective of returning to a peaceful state which respects human rights.

A second moral obligation we incur under our oath is to strive for peace. This principle was clear in the debates at the Constitutional Convention. Oliver Ellsworth from Connecticut stated, "[T]here is a material difference between the cases of making war and making peace. It should be more easy [sic] to get out of war than into it. War is a simple and overt declaration. Peace attended with intricate and secret negotiations." (14:31) This concern for peace stayed

consistent throughout the debates at the Convention. In studying the Constitution we notice the omission of certain obligations. These omissions also imply a commitment to peace. There is no obligation for the military to be the most powerful on the earth. On the contrary, the Constitution puts constraints on the power of the military. There is no obligation for our government to spread its influence throughout the world. We do not pledge ourselves to secure "complete victory" over our enemies as the Soviet military does. While the obligation to peace which may seem normal to most Americans, an obligation to peace may seem contradictory to one who is trained for the violence of combat. However, the ideal is not a new one for the military profession. In the introduction to Sun Tsu's The Art of War, written over 2000 years ago, James Clavell made this statement: "Always remember, since ancient times, it has been known that 'the true object of war is peace.'"(15:7) This century, B.H. Liddell Hart, in Strategy, reaffirmed this principle stating, "it is essential to conduct war with constant regard to the peace you desire."(8:366) Yet, for many this tends to be forgotten in the struggle and violence of battle.

A third moral obligation is a call to selflessness, while recognizing the selfish nature of man. Our constitutional system was built on the realization that men will generally act in their own self-interest. Our system of

government can mislead one to believe that to survive or be successful you should always act in your own self-interest. We have developed a whole philosophy in our society built around this belief. The 70s and 80s have been labeled the "me" decades. The question, "What's in it for me?" is all too common. The military is not immune from the influence of this philosophy. Careerism taken to the extreme is an example. However, our oath to "defend" and to "well and faithfully discharge the duties of the office" calls us to the higher ideal of selflessness. Under our oath, we have the moral obligation to subordinate ourselves and our careers to the good of our constitutional system.

The final set of moral obligations I will address is based on where our loyalty should be directed. Is it to the Congress, the people, the President, our country, God? The list can go on. The Constitution does not make this very clear. Do we owe a higher loyalty to Congress or to the President? A good case can be made for either. Our oath directs our loyalty towards the Constitution, leaving the issue between the President or Congress open for interpretation. Yet, the issue of loyalty is a serious one. An example of misdirected loyalty was with President Truman and General MacArthur. President Truman, according to his memoirs, believed that General MacArthur was the best man to handle East Asia after World War II. Yet, Truman relieved MacArthur because of his lack of loyalty to the President and

disregard for civilian control.(17:4) Our oath binds us to the Constitution, which morally obligates us to be loyal to its system of government including those appointed over us.

Yet, a strong loyalty to the Constitution is not the final answer. What if you are ordered to do something unconstitutional in order to defend the Constitution? What is your moral obligation? Abraham Lincoln thought there were times when one may be required to go outside the Constitution in order to defend it. In justifying his Emancipation Proclamation, he stated, "I felt that measures, otherwise unconstitutional, might become lawful, by becoming indispensable to the preservation of the constitution, through the preservation of the nation."(10:65) Nixon later used the same rational to justify ordering burglaries and other illegal surveillance acts. He stated, "a President does have certain extraordinary powers which would make acts that would otherwise be unlawful, lawful if undertaken for the purpose of preserving the nation and the Constitution."(10:75) In Nixon's case the acts led to impeachment charges which eventually led to his resignation. Yet, in Lincoln's case the Emancipation Proclamation stood firm and the nation was reunited. Lincoln did not act out of any explicit assumed powers but under his personal moral obligation to defend the Constitution. The consequences of any act taken outside of the Constitution must be weighed very carefully. Yet, there may be times when we in the

military must do what we morally see as necessary to defend our constitution and nation, even if it is illegal or unconstitutional. At those times our moral obligation to defend the Constitution is greater than our moral obligation to support it.

The last moral obligation I have from my oath is my loyalty to a supreme being. Often times our government system which separates the church and the state seems to be keeping God out of our government. It's time to make sure our loyalties are in order. As President Reagan stated in his 1987 State of the Union, "Finally, let's stop suppressing the spiritual core of our national being. Our nation could not have been conceived without divine help." (21:--) Indeed, the framers of the Constitution recognized that they did not draft the perfect system. Instead they simply presented what was the "most eligible" (11:234) and in Washington's words left the event "in the hand of God." (11:13) President Reagan went on to say, "It [the Constitution] grew out of the most fundamental inspiration of our existence, that we are here to serve Him by living free, that by living free releases within us the most noblest of impulses and best of our abilities." (21:--) Our oath of office asks for God's help in doing our duties. I hope none are so presumptuous to assume we are asking God to help us do it our way. On the contrary, I am asking help in doing my duties His way. I have a moral obligation to give God my highest loyalty. My loyalty can go

no higher.

CONCLUSION

It is indeed necessary and rewarding to periodically examine the moral obligations from our military oath of office. It is particularly fitting to examine them now. This is the beginning of the third century of existence of our constitutional system. Our system has worked and will work in the future. As we face wars of revolution supported by Marxist governments throughout the world, we need to be more aware of our own ideals to show the revolutionaries an alternative to the Marxist system. Our system is based on the principles that liberty is a God-given right; that a powerful military force can be a threat to that liberty and must be handled cautiously; that we can not expect men or governments to always act virtuously; and therefore, a strong military force may be required to suppress an uprising of corrupt men. From these principles we have moral obligations to support human rights, to strive for peace, to act selflessly and to carefully evaluate our loyalties. I have confidence in our system. As hard as it may be while striving for excellence, we must be willing to accept lower military standards if necessary to support the ideals of our Constitution. Every military person must continually answer in their own heart, Do I support and defend the Constitution of the United States?

REFERENCES

Books

1. Caraley, Demetrios, (ed). The Presidents War Powers. New York: The Academy of Political Science, 1984.
2. Flexner, James T. Washington: The Indipensible Man. Boston: Little, Brown and Company, 1974.
3. Hamilton, Alexander, et al. and Max Beloff (ed). The Federalists. New York: The MacMillan Company, 1948.
4. Holt, Pat M. The War Powers Resolution. Washington D.C.: American Enterprise Institute for Public Policy Research, 1978.
5. Huntington, Samuel P. The Soldier and the State. Cambridge, MA: The Belknap Press of Harvard University Press, 1957.
6. Kelly, Alfred H., Winifred A. Harbison, and Herman Belz. The American Constitution: Its Origins and Development, 6th ed. New York: W. W. Norton and Company, Inc., 1983.
7. Kenyon, Cecelia M. (ed). The Antifederalists. New York: The Bobs-Merrill Company, Inc, 1966.
8. Liddell Hart, B H. Strategy (2nd ed). New York: Frederick A. Praeger, Publishers, 1967.
9. McDonald, Forrest. Novus Ordo Seclorum: The Intellectual Origins of the Constitution. University Press of Kansas, 1985.
10. Pyle, Christopher H. and Richard M Pious. The President, Congress, and the Constitution: Power and Legitimacy in American Politics. New York: The Free Press, a division of Macmillan Inc, 1984.
11. Rood, John R. The History of Building the Constitution of the United States. Detroit: Detroit Law-Book Co., 1948.

CONTINUED

12. Smith, Page. The Constitution: A Documentary and Narrative History. New York: Morrow Quill Paperbacks, 1980.
13. Snow, Donald M. and Dennis M Drew. Introduction to Strategy, 3rd ed. Maxwell AFB, AL: Air Command and Staff College, 1985.
14. Sofaer, Abraham D. War, Foreign Affairs and Constitutional Power: The Origins. Cambridge, MA: Ballinger Publishing Company, 1976.
15. Sun Tzu and James Clavell (ed). The Art of War. New York: Delacorte Press, 1983.

Articles and Periodicals

16. Air Force, Vol. 69, No. 3 (March 1986), p 71.
17. Davenport, Manuel M. "Professionals or Hired Guns? Loyalties Are the Difference." The USAFA Journal of Professional Military Ethics, Vol. 2, No. 1 (September 1981), pp. 1-5.

Official Documents

18. Jefferson, Thomas. The Declaration of Independence.
19. United States Air Force. AFR 30-1: Air Force Standards. Washington D.C.: HQ AFMPC/MPCY, 4 May 1983.
20. United States Printing Office. The Constitution of the United States of America as Amended. Washington, D.C.: 1978.

Other Sources

21. Reagan, Ronald. 1987 State of the Union Address. January 27, 1987.